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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 98]

भोपाल, सोमवार, दिनांक 24 मार्च 2025—चैत्र 3, शक 1947

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 24 मार्च 2025

क्र. 3589-52-इक्कीस-अ(प्रा).— भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश सहकारी सोसाइटी (संशोधन) विधेयक, 2025 (क्रमांक 4 सन् 2025) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. पी. गुप्ता, अतिरिक्त सचिव.

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MADHYA PRADESH BILL

NO. 4 OF 2025

THE MADHYA PRADESH CO-OPERATIVE SOCIETIES
(AMENDMENT) BILL, 2025**A Bill further to amend the Madhya Pradesh Co-operative Societies Act, 1960.**

Be it enacted by the Madhya Pradesh Legislature in the seventy-sixth year of the Republic of India as follows :-

1. (1) This Act may be called the Madhya Pradesh Co-operative Societies (Amendment) Act, 2025.

Short title and
commencement.

- (2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.

2. In Section 2 of the Madhya Pradesh Co-operative Societies Act, 1960 (No.17 of 1961) (hereinafter referred to as the principal Act),-

Amendment of
Section 2.

- (i) in clause (a-ii), after the words “or same class of society” the words “or an officer of financing bank of the society concerned” shall be inserted.

- (ii) after clause (c-iv), the following clause shall be inserted, namely:-

“(c-v) “Co-operative Public Private Partnership” means a partnership arrangement made by a cooperative society or a group of societies with Public and Private Organizations under Section 16-C;”.

- (iii) for clause (n), the following clause shall be substituted, namely:-

“(n) “Housing Society” means a society, the object of which is to provide its members plots for housing, including low density housing, dwelling houses or flats and/or if plots the dwelling houses or flats are already acquired, to provide common amenities and if required, housing finance to its members through mutual aid in accordance with the cooperative principles.

Explanation.- The management of common areas and for providing facilities and services to the members of a housing society shall be performed by an Association formed under Madhya Pradesh Prakoshtha Swamitva Adhiniyam, 2000 (No. 15 of 2001);”.

3. In Section 7 of the principal Act, in sub-Section (2), in clause (a), for the word “ten” the word “twenty” shall be substituted.

Amendment of
Section 7.

4. In Section 9 of the principal Act, for sub-Section (3), the following sub-Section shall be substituted, namely:-

Amendment of
Section 9.

“(3) The Registrar shall take a decision within thirty days in case of primary society and forty-five days in case of all other societies from the date of receipt of an application for registration of a society and issue a certificate of registration in such format as prescribed:

Provided that where there is a failure on the part of the Registrar to dispose of such application within the stipulated period, the society and its bye-laws shall be deemed to have been registered, in such cases the Registrar shall be bound to issue certificate of registration within fifteen days of the society's deemed registration.”.

**Amendment of
Section 11.**

5. In Section 11 of the principal Act, in sub-Section (3), for the existing provisos, the following proviso shall be substituted, namely:-

“Provided that, where there is a failure on the part of the Registrar to dispose of such application within the period aforesaid, the amendment of the bye-laws shall be deemed to have been registered.”.

**Amendment of
Section 14.**

6. In Section 14 of the principal Act, for sub-Section (1), the following sub-Section shall be substituted, namely:-

“(1) Where a society has been given a certificate of registration under Section 9, such certificate shall be conclusive evidence that the society therein mentioned has been duly registered unless it is proved that the registration of the society has been subsequently cancelled.”.

**Insertion of
Section 16-C.**

7. After Section 16-B of the principal Act, the following Section shall be inserted, namely:-

“16-C. Partnership by Societies.- Any co-operative society or a group of societies with the permission of Registrar may, by resolution passed at general meeting by a majority of members present and voting enter into an agreement with Public and Private Business Organizations, for carrying out any specific business or services permissible under the byelaws of the society on such terms and conditions as may be mutually agreed upon as Co-operative Public Private Partnership.”.

**Substitution of
Section 24.**

8. For Section 24 of the principal Act, the following Section shall be substituted, namely :-

“24. Restriction on holding of share capital by a member.- In any society, no member, other than the State Government or any other society, shall hold more than such portion of the total share capital of the society not exceeding one-fifth thereof as may be prescribed:

Provided that the State Government may, by notification, specify in respect of any class of societies a maximum exceeding one-fifth of the share capital.”.

**Amendment of
Section 49.**

9. In Section 49 of the principal Act, in sub-Section (7-A), for clause (c), the following clause shall be substituted, namely:-

“(c) In special circumstances, the State Government may, for reasons to be recorded in writing, extend the period further for conducting the election of a society.”.

**Amendment of
Section 53.**

10. In Section 53 of the principal Act,-

(i) in sub-Section (1), for the existing first proviso, the following proviso shall be substituted, namely:-

“Provided that in special circumstances, the State Government may, for reasons to be recorded in writing, extend the term of office of the Administrator for further period:”.

(ii) in sub-Section (12), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that in special circumstances, the State Government may, for reasons to be recorded in writing, extend the period further for conducting the election of a society:”.

- (iii) in sub-Section (13), for clause (a), the following clause shall be substituted, namely :-

“(a) Notwithstanding anything contained in this Act, in the case of any Co-operative Bank, if so required by the Reserve Bank, in the public interest or for preventing the affairs of the co-operative banks being conducted in a manner detrimental to the interest of the depositors or for securing the proper management of the co-operative bank, an order shall be made by the Registrar for the removal of the Board of Directors and for the appointment of an administrator, to manage the affairs of the co-operative bank, for such period or periods, as may from time to time be specified by the Reserve Bank and the administrator so appointed shall continue to remain in office till the date immediately preceding the day of holding the first meeting of the newly constituted Board of Directors.”.

11. In Section 70 of the principal Act, after sub-Section (2) the following sub-Section shall be inserted, namely:-

**Amendment of
Section 70.**

- “(3) The winding up proceedings shall be closed ordinarily within a period of one year from the date of the order of winding up and after the expiry of the said period of one year, the Registrar may extend the period further while recording the reasons.”.

12. In Section 77 of the principal Act,-

**Amendment of
Section 77.**

- (i) for sub-Section (2), the following sub-Section shall be substituted, namely:-

“(2) The Tribunal shall consist of the Chairman and two other members to be appointed by the State Government.”.

- (ii) in clause (b) of sub-Section (3), for the opening paragraph, the following paragraph shall be substituted, namely:-

“(b) Of the other two members, one shall be an officer who is or has held the post of Joint Registrar or above in the Co-operative Department. The other member shall be non-official closely associated with the Co-operative movement or an Advocate or a pleader having practical experience in the Co-operative movement for a period of not less than fifteen years.”.

- (iii) in sub-Section (5), in clause (a), for full stop, colon shall substituted and thereafter the following proviso shall be added, namely:-

“Provided that the Chairman or members shall not hold the office after he has attained the age of sixty-five years.”.

STATEMENT OF OBJECTS AND REASONS

In order to strengthen and develop the cooperative movement in the State, to provide new business opportunities to cooperative societies of the State to enter into a partnership agreement with private entities as Cooperative Public Private Partnership (CPPP) arrangement for carrying out specific business or services permissible under the bye-laws of the society and to minimize practical and legal difficulties experienced in the implementation of certain provisions of the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961), it is decided to amend the Act suitably.

2. It is proposed that the scope of existing definition of "Administrator" be expanded and new definition of "Cooperative Public Private Partnership (CPPP)" be introduced. A provision has been proposed to ensure larger participation of the members while giving application for registration. Provisions have been proposed to make the registration of cooperative societies or amendment in their bye-laws simpler and to be done in time-bound manner. A provision is also being made to enhance the share capital contribution by a member in order to make societies financially stronger.

3. A provision has been proposed to overcome the practical difficulties for taking over the charge of the society by the Registrar or Administrator. It is proposed to complete the winding up proceedings in a time-bound manner. It is also proposed to get the services of the experienced officers of the department in the disposal of court cases.

4. Hence this Bill.

Bhopal :

Dated, the 19th March, 2025

VISHWAS KAILASH SARANG

Member-in-charge.